

REMARKS/ARGUMENTS

This amendment is filed in response to the Official Action mailed November 21, 2005, the shortened statutory period for filing a response having expired on February 21, 2006. Applicants submit herewith a three-month extension petition to reset the deadline for responding to the Official Action to and including May 22, 2006, May 21, being a Sunday. In view of the following claim amendments and remarks, reconsideration of the examiner's rejections and Notice of Allowance of all pending claims is respectfully requested.

Claims 1-25, 37-38, and 40 are currently pending in the application. Applicants note with appreciation the Examiner's indication that claims 15-25, 37-38, and 40 are allowable. Applicants have made no amendments to the allowable claims, instead leaving them in their allowable condition. Such claims are expected to remain allowable following this amendment.

Notwithstanding these allowances, claims 1-14 were rejected in the November 21, 2005 Office Action. Claims 1-4 and 12-14 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,763,567 issued to Dalquist, III et al. ("Dalquist"). In addition, claims 5 and 7-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dalquist* in view of U.S. Patent No. 4,666,727 issued to Wang ("Wang"). Each of claims 2-14 ultimately depend from claim 1. The rejections were discussed briefly in a telephone communication between the undersigned and Examiner Alexander on April 13, 2006. Although no agreement on specific claim amendment terminology was reached, Applicants extend their gratitude to Examiner Alexander for his indication of a willingness to review a claim amendment that tracks another allowed claim, in order to place claim 1 in a condition for allowance. Accordingly, claim 1 has been amended to include certain features taken primarily from allowed

claim 25. These features include "an upper portion having a textured surface configured to retain food above the main cooking surface" and that movement of the handle grip member between a first position adjacent to the pistol-type gripping portion and a second position spaced away from the pistol-type gripping portion facilitates release of the handle from the base. With the addition of this subject matter, claim 1 is believed to be allowable over the *Dalquist* reference. Likewise, claims 2-14, which depend from claim 1, are believed to be allowable over both *Dalquist* individually, and *Dalquist* in view of *Wang*.

Although the present Official Action has been identified as a Final Action, the above amendments are believed to be proper as they do not raise new issues that would require further consideration or the amendments place the application in better condition for appeal by materially reducing or simplifying the issues. Accordingly, it is firmly believed that the present amendment should be entered, and each of the pending claims should be allowed.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner may have.

Application No.: 10/643,329

Docket No.: PROTOM 3.0-020

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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